

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to the regulation of wall signs, amending Sections 23.55.030, 23.55.034, 23.55.036, 23.84A.036 and 23.90.018 of the Seattle Municipal Code; enacting and amending standards for on-premises wall signs in commercial, Seattle Mixed, industrial and downtown zones; clarifying the definition of wall signs and on-premises signs; directing revenue from sign code violations to the Operations Division of the Department of Planning and Development; and establishing increased penalties for certain violations of sign provisions in the Seattle Municipal Code.

WHEREAS, the Seattle Municipal Code Chapter 23.55 ("Sign Code") regulates signs for the purposes set out in SMC 23.55.001; and

WHEREAS, the intent of Seattle's Sign Code is to "protect the public interest and safety," including reducing driver distraction, to "encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs," all while providing opportunities for communicating information; and

WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises signs; and

WHEREAS, under the Sign Code, on-premises signs are authorized to carry messages about a business activity, product or service offered on the premises where the sign is located or non-commercial messages; and

WHEREAS, the Sign Code prohibits off-premises signs displaying messages about a business activity, product or service not available on the premises where the sign is located, except for a limited number of registered billboards; and

WHEREAS, the Comprehensive Plan's Urban Design Policies for Downtown seek to regulate signs to "reduce visual clutter," "enhance the appearance of downtown," and "generally discourage signs not oriented to persons at the street level";

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection E of Section 23.55.030 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.55.030 Signs in NC3, C1, C2 and SM zones

E. On-Premises Signs.

3. Maximum Area.

a. NC3 (~~Zones~~) and (~~the~~) SM zones.

1) The maximum area of each face of a pole, ground, roof, projecting or combination sign is 72 square feet plus 2 square feet for each foot of frontage over 36 feet on public rights-of-way, except alleys, to a maximum area of 300 square feet, provided that:

i. The maximum area for signs for multiple business centers, and signs for business establishments located within 100 feet of a state route right-of-way that is not designated in Section 23.55.042 as a landscaped or scenic view section, is 600 square feet; and

ii. The maximum area for pole signs for gas stations that identify the price of motor fuel being offered by numerals of equal size is 96 square feet.

2) There is no maximum area limit for (~~wall~~) awning, canopy, marquee or under-marquee signs.

3) The maximum area for each wall sign is ~~287~~672 square feet.

b. C1 and C2 Zones. There is no maximum area limit for on-premises signs for business establishments in C1 and C2 zones except the maximum area for each wall sign is ~~287~~672 square feet.

Section 2. Subsection D of Section 23.55.034 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.55.034 Signs in downtown zones

D. On-premises Signs.

2. There ~~((shall be))~~ is no maximum area limit~~((s))~~ for on-premises signs, except ~~((for signs))~~ as follows:

a. The maximum area for each wall sign is ~~287~~672 square feet; and

b. Signs identifying hotels and public buildings ~~((sixty-five (65)))~~ 65 feet or more above the elevation of the sidewalk~~((, which))~~ shall not exceed ~~((eighteen (18)))~~ 18 feet in length, height or any other direction.

Section 3. Subsection D of Section 23.55.036 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.55.036 Signs in IB, IC, IG1 and IG2 zones

D. On-premises Signs.

3. Maximum Area. ~~((Except as provided in sub-section D5, there))~~ There ~~((shall be))~~ is no maximum area limit~~((s))~~ for on-premises signs for business establishments, except as follows:

a. As set forth in 23.55.036.D.5; and

b. The maximum area for each wall sign is ~~287~~672 square feet.

Section 4. Subsection 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.84A.036 "S"

"Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either: (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. For purposes of this definition, "business transacted, principal services rendered, goods sold or produced on the premises" does not include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged in part or whole for an item or good that is not directly sold or produced or a service rendered where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered. This definition ~~((shall))~~ does not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, wall" means any sign attached to and supported by a wall of a structure, or projected on or onto a wall of a building or structure or suspended from the roof of a building or structure, with the exposed face of the sign on a plane approximately parallel to the plane of the wall, or any sign painted directly on a building facade.

Section 5. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.90.018 Civil Enforcement Proceedings and Penalties

B. Specific Violations.

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in subsection 23.71.018.H.

8. Violations of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a and 23.55.036.D.3.b, or, if DPD has issued an on-premises sign permit for a particular sign and the actual sign is not being used for on-premises purposes or does not meet the definition of an on-premises sign as defined in chapter 23.84A SMC, are subject to a civil penalty of \$1,500 per day for each violation from the date the violation begins until compliance is achieved.

F. Use of Penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsections 23.90.018.B.3, 23.90.018.B.5 and 23.90.018.E. Revenue from penalties under that subsection shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsection 23.90.018.B.8, which shall annually be directed to the Department of Planning and Development's Operations Division, after 10 percent of the gross receipts are paid to Parks as required by Article XI, section 3 of the Charter.

Section 6. Severability clause. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances shall remain

valid and enforceable. The intent of the City Council is to maintain the validity of the Sign Code, and should any provision of this ordinance be found invalid, it is the intent of the City Council that the Sign Code be in force and effect as if that provision of this ordinance had not been enacted.

Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 201~~3~~4, and signed by me in open session in authentication of its passage this ____ day of _____, 201~~3~~4.

President _____ of the City Council

Approved by me this ____ day of _____, 201~~3~~4.

~~Michael McGinn~~ Edward B. Murray, Mayor

Filed by me this ____ day of _____, 201~~3~~4.

Monica Martinez Simmons, City Clerk

(Seal)